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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/738,893	TEGLIA, YANNICK
	Examiner	**Art Unit**	
	Nadia Khoshnoodi	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 May 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9-14,16,17,19-22 and 24-28* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7, 9-14, 16-17, 19-22, and 24-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 December 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All   b)☐ Some * c)☐ None of:

   1.☒ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Response to Amendment

Claims 8, 15, 18, & 23 have been cancelled. Applicant's arguments/amendments with

respect to amended claims 1-2, 13-14, 16, 21-22, & 24; previously presented claims 3-7, 9-10,

17, 19-20, & 25-28 filed 5/11/2007 have been fully considered but are not persuasive. Examiner

would like to point out that this action is made final (See MPEP 706.07a).

Response to Arguments

With regards to Applicants traversal of the Double Patenting rejection, Examiner would

like to more clearly point out how the claims in the present application are obvious-type double

patenting over the claims in US Patent No. 7,116,783 (hereinafter '783 patent). Claims 1, 14,

and 22 of the present application are anticipated by claims 1 and 16 in the '783 patent. The

claims of the '783 patent calls for transferring the N-byte data element byte-by-byte from one

memory to another where the order of the transfer is randomly selected. Furthermore, the claims

of the '783 patent goes into detail about the specific transfer rule being used to define an order

that the data elements will be transferred. Yet further, the claims of the '783 declares that once

the transfer order is determined, the bytes are successively transmitted from one memory to the

next, where the data elements are transmitted to the second memory once. Thus, the claimed

language used in the '783 patent anticipates the invention, as claimed, in the present application.

Thus, the Double Patenting rejection is maintained.

Applicant contends that Pfab does not disclosed a method for secured transfer of the an

N-byte data element in which the value of at least one parameter of a transfer rule defining the

order in which the bytes of the data elements are transferred is randomly chosen before each

transfer of the data element, and the N-byte data element is transferred byte-by-byte in the order

specified by the transfer rule. Examiner respectfully disagrees with Applicant on these points.

Pfab teaches the secure transfer of data bits, i.e. an N-byte data element (col. 2, lines 57-65).

Furthermore, Pfab also teaches transfer rules (in the conversion/encoding process) by addressing

that the encoding module determines which bit lines should be used, as well as how the

significance of different bits can be altered (col. 6, lines 44-57). Pfab's disclosure of altering the

significance of different bits is equivalent to that of defining the order in which the bytes are

transferred because of the fact that 1 byte consists of eight bits, where a data transfer may

comprise any number of bits/bytes. Basically, it is important to note that when data is broken up

into chunks of 8 bits/1 byte, and the significance of that data stream is altered, it results in the

bytes/each chunk of 8 bits being transmitted in a different order, namely the opposite order, than

it would have been transmitted in if the order of the least significant and the most significant bits

had not been altered. Furthermore, Pfab's disclosure of determining which bit lines should be

used also determines the byte order in which the N-byte data element will progress through the

bus. It is also mentioned that the encoding process needs to select a key to use with the encoding

algorithm, i.e. transfer rule, before the data may be transmitted. The key, i.e. a parameter of the

transfer rule, taught by Pfab can be randomly selected (col. 4, lines 52-57). Finally Pfab teaches

that the data element is transferred byte-by-byte because a sequence of eight bits is equivalent to

one byte and there is an operating module that can influence the encoding using different

conversion methods (col. 5, lines 19-26).

Furthermore, Applicant contends that Pfab does not disclose a programmable circuit that

includes a random number generator that supplies the value of at least one parameter of a data

transfer rule that defines the order in which the bytes of the data element are transferred before

each transfer of the data element and a control unit that controls a data bus that the N-byte data

elements is transferred byte-by-byte in the order specified by the data transfer rule. Examiner

respectfully disagrees with Applicant on these points for the reasons discussed above.

Furthermore, Pfab specifically teaches an electronic data processing circuit including a random

number generator for randomly selecting a key, i.e. the parameter of the transfer rule (claim 14).

Pfab also teaches a control unit that controls the data bus in order to send the data bits, where

eight bits is equivalent to one byte and therefore the option of sending data elements byte-by-

byte is available because it is commonly know in the art (col. 8, lines 15-62).

Finally, Applicant contends that Pfab does suggest using a permutation to encode the

data, but does not teach or suggest using a permutation of the bytes of an N-byte data element

such that each transfer of the N-byte data element is not done in the same byte order. Examiner

agrees that Pfab suggests using a permutation to encode the data, but respectfully disagrees with

Applicant that this does not imply a permutation of the bytes of an N-byte data element so that

each transfer of the N-byte data element is not done in the same byte order. Data is broken up

into bits, where eight bits is equivalent to one byte. Therefore, since a permutation is being used

to encode the data bits, it ensures that there is also a permutation of the bytes of an N-byte data

element based on the fact that a byte is broken up into eight bits. Hence, each transfer of the N-

byte data element is not done in the same byte order (col. 3, lines 40-49 and col. 8, lines 15-62).

Furthermore, since there are different data lines that can be used to transfer the data elements, the

bytes are still not transferred in the same byte order (col. 8, lines 1-50).

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

I.   Claims 1, 14, and 22 are rejected on the ground of nonstatutory double patenting over

claims 1 and 16 of U.S. Patent No. 7,116,783. Claims 1 and 16 of US Patent No. 7,116,783

contain every element of claims 1, 14, and 22 of the instant application and as such anticipate

claims 1, 14, and 22 of the instant application.

Claims 1, 14, and 22 are generic to the species of invention covered by claims 1 and 16 of

the patent. Thus, the generic invention is "anticipated" by the species of the patented invention.

Cf., Titanium Metals Corp. v. Banner, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985) (holding

that an earlier species disclosure in the prior art defeats any generic claim) 4. This court's

predecessor has held that, without a terminal disclaimer, the species claims preclude issuance of

the generic application. In re Van Ornum, 686 F.2d 937, 944, 214 USPQ 761, 767 (CCPA 1982);

Schneller, 397 F.2d at 354. Accordingly, absent a terminal disclaimer, claims 1, 14, and 22 were

properly rejected under the doctrine of obviousness-type double patenting." (In re Goodman (CA

FC) 29 USPQ2d 2010 (12/3/1993)).

Claims 1, 14, and 22 of the instant application are anticipated by patent claims 1 and 16

in that claims 1 and 16 of the patent contains all the limitations of claims 1, 14, and 22 of the

instant application. Claims 1, 14, and 22 of the instant application therefore is not patentably

distinct from the earlier patent claim and as such is unpatentable for obvious-type double

patenting.

Claim Rejections - 35 USC § 103

II.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

III.   Claims 1-2, 14, 22, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Iida, US Patent No. 5,422,727, and further in view of Pfab, US Patent No. 6,195,752.

As per claims 1, 14, and 22:

Iida substantially teaches a method/machine-readable medium encoded with

instructions/programmable circuit comprising: providing an N-byte data element in the first

memory (col. 9, lines 12-23); and successively transferring the N-bytes of the data element byte-

by-byte through the data bus to the second memory, with each of the N bytes transisting once

and only once through the data bus (col. 9, lines 44-49).

Not explicitly disclosed is randomly choosing the value of at least one parameter of a

transfer rule before a transfer of the N-byte data element, the transfer rule defining the order in

which the bytes of the N-byte data element are successively transferred through the data bus.

However, Pfab teaches a FLASH memory through a data line, connected to a multiplexer, which

is connected to the ROM (col. 8, lines 50-57), multiplexer being fed a random number by a

random number generator over a data line (col. 8, lines 51-57), and the encoding method having

the ability to define interchanging individual bit lines of the data bus, or altering the significance

of individual data bits as the transfer rule (col. 6, lines 54-56). Therefore, it would have been

obvious to a person in the art at the time the invention was made to modify the method disclosed

in Iida for the parameter (key) to be randomly selected and used in the encoding/decoding

method which takes place before the transferring of the N-byte data element from one memory to

the next and which defines the order in which the data elements are transferred. This

modification would have been obvious because a person having ordinary skill in the art, at the

time the invention was made, would have been motivated to do so since Pfab suggests that using

the previously mentioned method will result in substantially increasing security against

manipulations in col. 5, lines 19-27 and lines 44-66.

As per claim 2:

Iida and Pfab substantially teach the method of claim 1. Furthermore, Pfab teaches

wherein the encoding or decoding, occurring upon transferring the data, can be performed by a

suitable delay, by interchanging individual bit lines of the data bus, or by altering the

significance of individual data bits indicating that in each transfer of the N-byte data element the

N bytes do not successively transit through the data bus in the same byte order (col. 6, lines 53-

57).

As per claim 25:

Iida and Pfab substantially teach the method of claim 1. Furthermore, Iida teaches

wherein in the successively transferring step, each of the bytes of the data element is transferred

through the data bus without changing the order of bits of that byte (col. 9, lines 44-49).

As per claim 26:

Iida and Pfab substantially teach the method of claim 1. Furthermore, Iida teaches

wherein each byte of the data element has the same bit order in the first memory, while

transisting through the data bus, and in the second memory (col. 9, lines 44-49).

As per claim 27:

Iida and Pfab substantially teach the method of claim 1. Furthermore, Pfab teaches that

the successively transferring step includes the sub-step of: before each successive transfer of one

of the bytes of the data element, using the transfer rule to determine a place value of the byte of

the N-byte data element to be transferred (col. 6, lines 53-57), at each successive transfer of one

of the bytes of the data element, transferring the byte of the N-byte data element with the place

value that was determined by the transfer rule (col. 6, lines 57-65), repeating the using and

transferring sub-steps N times so as to successively transfer the N bytes of the data element

through the data bus (col. 5, lines 51-61).

As per claim 28:

Iida and Pfab substantially teach the method of claim 1. Furthermore, Pfab teaches that

the successively transferring step includes the sub-step of: first transferring one byte of the N-

byte data element whose place value is defined by the transfer rule (col. 6, lines 53-57); after the

first transferring sub-step, transferring another byte of the N-byte data element whose place value

is defined by the transfer rule (col. 6, lines 57-65); repeating the sub-step of transferring another

byte until the N bytes of the data element have been successively transferred through the data bus

in the order specified by the transfer rule (col. 6, lines 53-65).

IV.   Claims 3-7, 9-13, 16-17, 19-21, and 24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Iida, US Patent No. 5,422,727, and Pfab, US Patent No. 6,195,752 and further

in view of Menezes, *Handbook of Applied Cryptography*.

As per claim 3:

Iida and Pfab substantially teach the method of claim 2. Not explicitly disclosed is the

permutation is defined by the relationship: $X = (XO + DIRECTION * PITCH*j)$ modulo N

where PITCH ranges from 0 to N-1, DIRECTION is either 1 or-1, XO ranges from 0 to N-1, and

j varies from 0 to N-1. Menezes teaches permutations are functions, which are often used in

various cryptographic constructs (PG. 10, section 1.3.2). A different permutation algorithm is

commonly known in the art, it would have been obvious to one skilled in the art at the time of

the invention was made to use a particular formula to permute a given incoming data. Therefore,

it would have been obvious to a person having ordinary skill in the art at the time the invention

was made to modify the system of Iida and Pfab by including a permutation into the algorithm,

$X= (XO + DIRECTION * PITCH * j)$ modulo N, using data transfer. This modification would

have been obvious because a person having ordinary skill in the art would have been motivated

to do so, as suggested by Menezes, in order to securely transfer the data elements. The data

elements are securely transferred in order to allow only authorized individuals to obtain the data.

As per claim 4:

Iida and Pfab substantially teach the method of claim 3. Not explicitly disclosed is in the

defining step, the value of PITCH is chosen randomly before each transfer of the data element.

Menezes teaches random variable, the defining of a random function, and the variability of the

random variables (pg. 51, section 2.1.3). Therefore, it would have been obvious to a person

having ordinary skill in the art at the time the invention was made to modify the system of Iida

and Pfab by including random variables in the permutation. This modification would have been

obvious because a person having ordinary skill in the art would have been motivated to do so, as

suggested by Menezes, in order to expect that a random variable would be created to ensure that

a permutation was randomly altered to enhance the security of the data transfer.

As per claim 5:

Iida and Pfab substantially teach the method of claim 4. Not explicitly disclosed is in the

defining step, the value of DIRECTION is chosen randomly before each transfer of the data

element. Menezes teaches random variable, the defining of a random function, and the variability

of the random variables (pg. 51, section 2.1.3). Therefore, it would have been obvious to a

person having ordinary skill in the art at the time the invention was made to modify the system of

Iida and Pfab by including random variables in the permutation. This modification would have

been obvious because a person having ordinary skill in the art would have been motivated to do

so, as suggested by Menezes, in order to expect that a random variable would be created to

ensure that a permutation was randomly altered to enhance the security of the data transfer.

As per claim 6:

Iida and Pfab substantially teach the method of claim 5. Not explicitly disclosed is in the

defining step, the value of XO is chosen randomly before each transfer of the data element.

Menezes teaches random variable, the defining of a random function, and the variability of the

random variables (pg. 51, section 2.1.3). Therefore, it would have been obvious to a person

having ordinary skill in the art at the time the invention was made to modify the system of Iida

and Pfab by including random variables in the permutation. This modification would have been

obvious because a person having ordinary skill in the art would have been motivated to do so, as

suggested by Menezes, in order to expect that a random variable would be created to ensure that

a permutation was randomly altered to enhance the security of the data transfer.

As per claim 7:

Iida and Pfab substantially teach the method of claim 3. Not explicitly disclosed is in the

defining step, the value of PITCH is chosen randomly before each transfer of the data element.

Menezes teaches random variable, the defining of a random function, and the variability of the

random variables (pg. 51, section 2.1.3). Therefore, it would have been obvious to a person

having ordinary skill in the art at the time the invention was made to modify the system of Iida

and Pfab by including random variables in the permutation. This modification would have been

obvious because a person having ordinary skill in the art would have been motivated to do so, as

suggested by Menezes, in order to expect that a random variable would be created to ensure that

a permutation was randomly altered to enhance the security of the data transfer.

As per claim 9:

Iida and Pfab substantially teach the method of claim 3. Not explicitly disclosed is in the

defining step, the value of XO is chosen randomly before each transfer of the data element.

Menezes teaches random variable, the defining of a random function, and the variability of the

random variables (pg. 51, section 2.1.3). Therefore, it would have been obvious to a person

having ordinary skill in the art at the time the invention was made to modify the system of Iida

and Pfab by including random variables in the permutation. This modification would have been

obvious because a person having ordinary skill in the art would have been motivated to do so, as

suggested by Menezes, in order to expect that a random variable would be created to ensure that

a permutation was randomly altered to enhance the security of the data transfer.

As per claim 10:

Iida and Pfab substantially teach the method of claim 3. Not explicitly disclosed is where

in the defining step, the value of PITCH and the value of XO are chosen randomly before each

transfer of the data element. Menezes teaches random variable, the defining of a random

function, and the variability of the random variables (pg. 51, section 2.1.3). Therefore, it would

have been obvious to a person having ordinary skill in the art at the time the invention was made

to modify the system of Iida and Pfab by including random variables in the permutation. This

modification would have been obvious because a person having ordinary skill in the art would

have been motivated to do so, as suggested by Menezes, in order to expect that a random

variable would be created to ensure that a permutation was randomly altered to enhance the

security of the data transfer.

As per claim 11:

Iida and Pfab substantially teach the method of claim 3. Not explicitly disclosed is where

PITCH and N are mutually prime numbers. Menezes teaches mutually prime numbers, relatively

prime, or coprime if gcd(a,b) = 1 (pg. 64, section 2.91). Therefore, it would have been obvious to

a person having ordinary skill in the art at the time the invention was made to modify the system

of Iida and Pfab by including mutually prime numbers. This modification would have been

obvious because a person having ordinary skill in the art would have been motivated to do so, as

suggested by Menezes, in order to not have degenerate permutation functions, therefore

enhancing the security of the data transfer.

As per claim 12:

Iida and Pfab substantially teach the method of claim 3. Not explicitly disclosed is where

N is a prime integer and PITCH is an integer ranging from 1 to N-1. Menezes teaches prime

integers (pg. 64, lines 2.92). It is commonly known in the art at the time of the invention that a

variable can be defined to be a prime number, and/or an integer ranging between selected values.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the

invention was made to modify the system of Iida and Pfab by including a prime integer and an

integer between selected values in the permutation equation. This modification would have been

obvious because a person having ordinary skill in the art would have been motivated to do so, as

suggested by Menezes, in order to have a permutation equation which can have an adjusted

solution set to allow for changes to occur to enhance security.

As per claim 13:

Iida and Pfab substantially teach the method of claim 3. Not explicitly disclosed is the

permutation is defined by the relationship: X = (XO + DIRECTION" PITCH*j) modulo N where

PITCH ranges from 0 to N-1, DIRECTION is either 1 or-1, XO ranges from 0 to N-1, and j

varies from 0 to N-1 and initializing j and X and transferring step includes the sub-step of

repeating N times the steps of: reading a byte of the data element from the first memory, the

place value of the byte read being equal to the current index; writing in the second memory the

byte that was read from the first memory; and incrementing j and varying X. Menezes teaches

permutations are functions, which are often used in various cryptographic constructs (PG. 10,

section 1.3.2). It is commonly known in the art at the time of the invention was made to assume

that a form of a permutation could be developed which would suite a desired application by

anyone with a need and completing a fundamental subroutine to read-transfer-and write data

between memories. Therefore, it would have been obvious to a person having ordinary skill in

the art at the time the invention was made to modify the system of Iida and Pfab by including a

permutation into the data transfer and to implement a subroutine to allow for the automated

transfer of components of memory. This modification would have been obvious because a person

having ordinary skill in the art would have been motivated to do so, as suggested by Menezes, in

order to securely transfer the data elements.

As per claim 16:

Iida and Pfab substantially teach the machine-readable medium of claim 14. Not

explicitly disclosed is where the permutation is defined by the relationship: X (XO +

DIRECTION * PITCH*j) modulo N where PITCH ranges from 0 to N-1, DIRECTION is either

1 or -1, XO ranges from 0 to N-1, and j varies from 0 to N-1. Menezes teaches permutations are

functions, which are often used in various cryptographic constructs (PG. 10, section 1.3.2). It is

commonly known in the art at the time of the invention was made to assume that a form of a

permutation could be developed which would suite a desired application by anyone with a need. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system of Iida and Pfab by including a permutation into the data transfer. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by Menezes, in order to securely transfer the data elements.

As per claim 17:

Iida and Pfab substantially teach the machine-readable medium of claim 16. Not explicitly disclosed is the defining step, the value of PITCH is chosen randomly before each transfer of the data element. Menezes teaches random variable, the defining of a random function, and the variability of the random variables (pg. 51, section 2.1.3). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system of Iida and Pfab by including random variables in the permutation. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by Menezes, in order to expect that a random variable would be created to ensure that a permutation was randomly altered to enhance the security of the data transfer.

As per claim 19:

Iida and Pfab substantially teach the machine-readable medium of claim 16. Not explicitly disclosed is in the defining step, the value of XO is chosen randomly before each transfer of the data element. Menezes teaches random variable, the defining of a random function, and the variability of the random variables (pg. 51, section 2,1.3). Therefore, it would

have been obvious to a person having ordinary skill in the art at the time the invention was made

to modify the system of Iida and Pfab by including random variables in the permutation. This

modification would have been obvious because a person having ordinary skill in the art would

have been motivated to do so, as suggested by Menezes, in order to expect that a random

variable would be created to ensure that a permutation was randomly altered to enhance the

security of the data transfer.

As per claim 20:

Iida and Pfab substantially teach the machine-readable medium of claim 16. Not

explicitly disclosed is PITCH and N are mutually prime numbers. Menezes teaches mutually

prime numbers, relatively prime, or co-prime if $gcd(a,b) = 1$ (pg. 64, section 2.91). Therefore, it

would have been obvious to a person having ordinary skill in the art at the time the invention was

made to modify the system of Iida and Pfab by including mutually prime numbers. This

modification would have been obvious because a person having ordinary skill in the art would

have been motivated to do so, as suggested by Menezes, in order to not have degenerate

permutation functions, therefore enhancing the security of the data transfer.

As per claim 21:

Iida and Pfab substantially teach the machine-readable medium of claim 16. Not

explicitly disclosed is where the permutation is defined by the relationship: $X = (XO +$

$DIRECTION * PITCH*j)$ modulo N where PITCH ranges from 0 to N-1, DIRECTION is either

1 or -1, XO ranges from 0 to N-1, and j varies from 0 to N-1 and initializing j and X and

transferring step includes the sub-step of repeating N times the steps of: reading a byte of the

data element from the first memory, the place value of the byte read being equal to the current

index; writing in the second memory the byte that was read from the first memory; and

incrementing j and varying X. Menezes teaches permutations are functions, which are often used

in various cryptographic constructs (PG. 10, section 1.3.2). It is commonly known in the art at

the time of the invention was made to assume that a form of a permutation could be developed

which would suite a desired application by anyone with a need and completing a fundamental

subroutine to read-transfer-and write data between memories, Therefore, it would have been

obvious to a person having ordinary skill in the art at the time the invention was made to modify

the system of Iida and Pfab by including a permutation into the data transfer and to implement a

subroutine to allow for the automated transfer of components of memory. This modification

would have been obvious because a person having ordinary skill in the art would have been

motivated to do so, as suggested by Menezes, in order to securely transfer the data elements

As per claim 24:

Iida and Pfab substantially teach the programmable circuit of claim 22. Not explicitly

disclosed is where the permutation is defined by the relationship: X = (XO + DIRECTION *

PITCH*j) modulo N where PITCH ranges from 0 to N-1, DIRECTION is either 1 or, -1, XO

ranges from 0 to N-1, and j varies from 0 to N-1. Menezes teaches permutations are functions,

which are often used in various cryptographic constructs (PG. 10, section 1.3.2). It is commonly

known in the art at the time of the invention was made to assume that a form of a permutation

could be developed which would suite a desired application by anyone with a need. Therefore, it

would have been obvious to a person having ordinary skill in the art at the time the invention was

made to modify the system of Iida and Pfab by including a permutation into the data transfer.

This modification would have been obvious because a person having ordinary skill in the art

would have been motivated to do so, as suggested by Menezes, in order to securely transfer the

data elements.

References Cited, Not Used

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. US Patent No. 6,408,075 has been cited because it is relevant due to the manner in

which the invention has been claimed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nadia Khoshnoodi whose telephone number is (571) 272-3825.
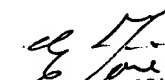
The examiner can normally be reached on M-F: 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Nadia Khoshnoodi
Examiner
Art Unit 2137
8/5/2007

NK

EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER